

APPROVED: Meeting No. 47-95

ATTEST: *Paula E. Jewell*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 43-95

September 26, 1995

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on Tuesday, September 26, 1995, at 7:35 p.m.

PRESENT

Mayor James F. Coyle

Councilmember Rose G. Krasnow

Councilmember James T. Marrinan

Councilmember Nina A. Weisbroth

ABSENT

Councilmember Robert E. Dorsey
(Maryland Municipal League Committee Meeting)

In attendance: City Manager Rick Kuckkahn, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Re: City Manager's Report

1. Rockville's Cable Television recently won two prestigious national first place awards for local government television programming. One award was in the category of public and community meetings. The other award was in the news series category for our City Hall Report program, a three segment program which includes a news segment, Mayor and Council review, and a feature interview. Rockville competed against large cities such as Denver and Milwaukee which have national reputations in local

government. News and Information Supervisor Doug Breish represented the City at the competition which was entered into by over 500 jurisdictions. Mr. Kuckkahn expressed appreciation to the Mayor and Council for their support of cable television, as well as to Public Information Officer Don Vandrey. He also introduced the City's Cable TV Writer/Producer Jay Garant and Cable TV Production Specialist Jeff Baldwin and extended thanks to the part time staff who run the cameras and other cable equipment.

2. The Rockville Sister City Corporation is currently holding its annual meeting and is hosting the Pinneberg exchange group. On October 7, a second group from Pinneberg will arrive for a five-day visit as part of the semi-annual exchange of members of the Sister City organization. Both groups and their host families will be invited to the Mayor and Council's October 9 General Session.

3. The City celebrates Oktoberfest September 30 through October 1st at the Middle Lane parking lot. Everyone is invited to the event which is free to the public.

4. The City will begin its drive to recycle telephone books; residents are asked to place their old telephone books out on the curb (not placed in bags). The City will pick the books up as part of its regular recycling routes between November 27 and December 1st.

Re: Presentation of Proclamation Re
**1995 ROCKVILLE HOLIDAY
DRIVE**

Proclamation No. 17-95

Carol Binta, Holiday Drive Coordinator gave an overview of the annual Drive. Councilmember Marrinan read and moved the Proclamation which was presented

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to Jim Stiles, President of the Rockville Junior Chamber of Commerce, Tom Lawrey, Executive Director and other representatives of the Manna Food Center, and Sue Sprecher, Director of Employee Services of Computer Data Systems, Inc. (CDSI). Sue Sprecher and Karen Gates, Administrative Manager of CDSI, then presented a check for \$500 to the Mayor and Council for the Holiday Drive.

Re: Update on the Arts Master Plan
by John Moser, Cultural Arts
Commission.

John Moser, accompanied by George Northway, updated the Mayor and Council on activities of the Master Plan Subcommittee:

- An Arts Hotline was established for persons to call and to find out about each arts group's activities.
- The Committee completed the first arts directory which will be an annual publication updated every July, listing key people in the various arts groups.
- The CAC met with Michelle Saxty, Executive Director of the Chamber of Commerce, who agreed to give the CAC space in their monthly newsletter to inform the business community about activities. Mayor Coyle asked that the next printing of the directory include local high school arts coordinators.
- Arts organizations in the City have been asked to alert the CAC if they want support from the City in the next fiscal year.
- The CAC will be surveying audiences at F. Scott Fitzgerald Theater to get a

handle on who attends, what they think, how many functions they attend, etc., in order to get an understanding of the impact audiences have on programs.

- The CAC is looking into the possibility of establishing a Friends of the Arts for Rockville.

Mr. Moser noted that the Arts Directory was available at the Information Counter at City Hall. He thanked Recreation and Parks Director Burt Hall and Assistant Arts Supervisor Kathleen Moran for their assistance in carrying out the goals of the Master Plan.

Re: Citizens Forum - This time is set aside to hear from any citizen who wishes to address the Mayor and Council.

1. Cindy Hall, 210 Elizabeth Avenue expressed concern about the parking of cars for long periods of time on Elizabeth Avenue. She wrote letters expressing this concern and the Police who have been called have been responsive; however, she said that the problem persisted. Police Chief Treschuk noted that the City's ordinance stated that if the vehicle was legally parked and legally registered, it could stay in place. He suggested that the City's ordinance may be able to be adjusted, or the neighborhood could petition for a permit parking area. Staff was asked to give the Mayor and Council a list of options for handling the concern.

2. Lih Young, 1121 Pipestem Place continued her long-standing tirade that the City get involved in her personal matter involving litigation against a number of private

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and government organizations. Mayor Coyle remarked that Ms. Young's participation in Citizens Forum as it relates to the City's business was welcome; however, the Mayor and Council could no longer tolerate any more of her allegations and outbursts at Council Meetings. Other members of the Council expressed their support for Mayor Coyle's handling of the matter.

3. William Meyer, 804 Leverton Road commented on Mr. Moser's point that the Arts Master Plan directory which was produced in-house, was done at no cost to the City. Mr. Meyer said that man-hours and paper were required from the City, and he suggested that in the future, a grant might be obtained to support publication of the directory.

Re: Re-Appointments

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, George Northway was reappointed to serve on the Cultural Arts Commission.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Alice Kelly was reappointed to serve on the Historic District Commission.

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, Diane Fasolina and Edward Gonzague were reappointed to serve on the Landlord-Tenant Affairs Commission.

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, Winston Lark was reappointed to serve on the Senior Citizens Commission.

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Mayor Coyle noted Councilmember Dorsey's enthusiastic support for all of the reappointments.

Re: Additional Appointments

Councilmember Krasnow said that she attended the Sister City Corporation's Annual Meeting this evening, and the two persons were recommended to serve on the Board. Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Sandi Lee Dayton and Ron Colbert were appointed to serve as the Mayor and Council's representatives on the Sister City Corporation.

Re: Approval of Minutes

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Minutes of Meeting No. 28A-95 (May 16, 1995) were approved as written.

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the Minutes of Meeting No. 29-95 (May 22, 1995) were approved as written.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the Minutes of Meeting No. 30-95 (May 23, 1995) were approved as written.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Minutes of Meeting No. 31-95 (May 30, 1995) were approved as written.

Re: Consent Agenda

Mayor Coyle requested removal of Item E. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the following Consent

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Agenda items were approved:

- (A) Rejection of Bid #4-96
To: Harvey W. Hottel, Inc.
Of: Gaithersburg, Maryland
In the amount of: \$35,498

For: HVACRB Systems Maintenance and Repair
- (B) Approval of HVACRB Systems Maintenance and Repairs Contract, Joint Procurement on WSSC Contract No. 1180.

To: Harvey W. Hottel, Inc.
Of: Gaithersburg, MD
In the amount of: \$90,000

For: Time, materials, and services for the complete and satisfactory maintenance and repair of heating, ventilation, air conditioning, refrigeration, and boiler systems for municipal facilities.
- (C) Award of Bid #21-96
To: J.G. Garcete Co., Inc.
Of: Silver Spring, Maryland
In the amount of: \$364,093.96

For: Interior improvements to the Rockville Senior Center - Phase III Master Plan.
- (D) Award of Bid #26-96
To: Overhead Door Co. of
Washington, D.C.
Of: Beltsville, Maryland
In the amount of \$32,655

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For: Replacement of three automatic service doors at the Public Works Motor Vehicle Maintenance shops.

(Re Item E) - Receipt of August financial reports summarizing the results of City operations for the period from July 1, 1995 through August 31, 1995.

Mayor Coyle requested removal (on Councilmember Dorsey's behalf), of Item E to ask when the intergovernmental revenues were due to come in and to inquire if the 49.1 percent budgeted amount expended on storm water management to date was an issue the Mayor and Council should be concerned about. Mr. Kuckkahn said that intergovernmental revenues did not come in all at once; they were spread out over the entire year; staff would provide Mr. Dorsey with that schedule as well as a year-to-date progress report on the CIP for stormwater management.

Councilmember Marrinan said that the Director of Finance reported that real estate property taxes are down .3 percent from last year's levy. He said that commercial real estate assessments have flattened out reflecting a weak demand for office space and residential assessments were generally declining reflecting the property value declines of the early 1990's. Mr. Marrinan said it was important to note that the revenue stream coming to the City was currently flat and it raised some concerns as to the future financial resources of the City.

Upon motion of Councilmember Weisbroth, duly seconded and unanimously

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passed, Agenda Item E was approved.

Re: General Staff Discussion
Concerning the Adoption of
BOCA Code Ordinances

Chief of Inspection Services Linda MacDermid explained that the ordinances before the Mayor and Council are to adopt the 1993 editions of the Building Officials Code Administrators (BOCA) National Construction Codes. BOCA is a set of construction codes used primarily in the eastern and mid-west sections of the nation. The codes undergo changes every three years with some amendments on a yearly basis as well. Typically, jurisdictions adopt the three-year cycle editions of the codes. Some of the ordinance amendments included technical requirements of the Code and housekeeping issues. Most amendments have been in the set of previous code editions.

Ms. MacDermid explained that the purpose of construction codes was to protect the occupants of buildings and promote a well maintained and safe environment for jurisdictions. The codes govern all construction within a City and take into consideration some of the zoning requirements as well. A few changes regarding safety were made particularly in one and two family dwelling codes. The City included instruction on wooden decks which put all requirements into one new article to enable people who were attempting to design and build decks to find all of the requirements in one section. The City also included a minor amendment to increase the fire safety wall between a single family dwelling unit and garage. Ms. MacDermid said a section was also included in the

National Codes to require a higher barrier around swimming pools and hot tub covers to address the number of recent tragedies involving pools and young children. Also addressed was hand rail and guard rail picket spacing to reduce the spacing requirement from 6 to 4 inches to protect young children from slipping through.

Ms. MacDermid reported that the State recently enacted legislation which adopts the 1993 BOCA codes as the State-wide building code. The legislation requires jurisdictions to adopt the 1993 codes; however it permits local amendments to address particular concerns. A database established and maintained by the University of Maryland will place all of the jurisdiction amendments in one location and will be available by subscription to architects and other design professionals around the State. Once Rockville adopted the amended codes, our ordinance will be included in the data base.

Councilmember Marrinan asked about the application of the codes to old versus new developments. He noted the useful ideas regarding safety and asked to what extent the City could educate the public on the safety measures.

Ms. MacDermid said the construction codes were applicable to new residential and commercial construction which would be required to be in compliance.

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Regarding Mr. Marrinan's concern that the public be educated,
Mr. Kuckkahn said that staff could prepare a presentation for Rockville Reports.

Re: Adoption of Ordinance to amend Chapter 5, entitled "Buildings and Building Regulations" Article V entitled "Basic Building Code" so as to adopt the 1993 edition of the BOCA National Building Code with certain deletions, additions and changes and to make certain other technical amendments.

Ordinance No. 12-95

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the Ordinance to amend Chapter 5, entitled "Buildings and Building Regulations" Article V entitled "Basic Building Code" was adopted. The full text of the Ordinance can be found in Ordinance Book No. 19 of the Mayor and Council.

Re: Adoption of Ordinance to amend Chapter 5, entitled "Buildings and Building Regulations" Article VI entitled "One and Two Family Dwelling Code" so as to adopt the 1992 edition of the CABO (Council of American Building Officials) One and Two Family Dwelling Code with certain deletions, additions and changes.

Ordinance No. 13-95

Upon motion of Councilmember Krasnow, duly seconded and unanimously

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passed, the Ordinance to amend Chapter 5, entitled "Buildings and Building Regulations" Article VI entitled "One and Two Family Dwelling Code" was adopted. The full text of the Ordinance can be found in Ordinance Book No. 19 of the Mayor and Council.

Re: Adoption of Ordinance to amend Chapter 5, entitled "Buildings and Building Regulations" Article VII entitled "Electrical Code" so as to adopt the 1993 National Electrical Code with certain deletions, additions and changes; and to make other technical changes.

Ordinance No. 14-95

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Ordinance to amend Chapter 5, entitled "Buildings and Building Regulations" Article VII entitled "Electrical Code" was adopted. The full text of the Ordinance can be found in Ordinance Book No. 19 of the Mayor and Council.

Re: Adoption of Ordinance to amend Chapter 5, entitled "Buildings and Building Regulations" Article VIII entitled "Energy Conservation Code" so as to adopt the BOCA National Energy Conservation Code, 1993, Seventh Edition.

Ordinance No. 15-95

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the Ordinance to amend Chapter 5, entitled "Buildings and Building Regulations"

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Article VIII entitled "Energy Conservation Code" was adopted. The full text of the Ordinance can be found in Ordinance Book No. 19 of the Mayor and Council.

Re: Adoption of Ordinance to amend Chapter 5, entitled "Buildings and Building Regulations" Article IX, entitled "Gas Code" so as to adopt the 1993 edition of the BOCA National Mechanical Code and to generally amend the licensing requirements.

Ordinance No. 16-95

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Ordinance to amend Chapter 5, entitled "Buildings and Building Regulations" Article IX, entitled "Gas Code" was adopted. The full text of the Ordinance can be found in Ordinance Book No. 19 of the Mayor and Council.

Re: Adoption of Ordinance to amend Chapter 5, entitled "Buildings and Building Regulations" Article X entitled "Mechanical Code" so as to adopt the BOCA National Mechanical Code, 1993 Eighth Edition, with certain additions, deletions, and changes.

Ordinance No. 17-95

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the Ordinance to amend Chapter 5, entitled "Buildings and Building Regulations"

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Article X entitled "Mechanical Code" was adopted. The full text of the Ordinance can be found in Ordinance Book No. 19 of the Mayor and Council.

Re: Adoption of Ordinance to amend Chapter 5, entitled "Buildings and Building Regulations" Article XI, entitled "Plumbing Code" so as to adopt the BOCA National Plumbing Code, 1993 Edition, with certain additions, deletions, and changes; and to make other technical amendments.

Ordinance No. 18-95

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the Ordinance to amend Chapter 5, entitled "Buildings and Building Regulations" Article XI, entitled "Plumbing Code" was adopted. The full text of the Ordinance can be found in Ordinance Book No. 19 of the Mayor and Council.

Re: Adoption of Ordinance to amend Chapter 5, entitled "Buildings and Building Regulations" Article XII entitled "Property Maintenance Code" so as to adopt the 1993 BOCA National Property Maintenance Code, Fourth Edition, with certain deletions, additions and changes.

Ordinance No. 19-95

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Ordinance to amend Chapter 5, entitled "Buildings and Building Regulations"

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Article XII entitled "Property Maintenance Code" was adopted. The full text of the Ordinance can be found in Ordinance Book No. 19 of the Mayor and Council.

Mayor Coyle noted Councilmember Dorsey's support for the adoption of all of the Ordinances.

Re: FYI/Correspondence

1. Councilmember Weisbroth noted Item 8, regarding snow removal for senior citizens; she reminded residents that the City, through its Community Services Department, coordinated seniors with youths for purposes of snow removal services. Councilmember Krasnow commented that it was good that the word had gotten out about the City increasing its enforcement of snow removal.

2. Councilmember Krasnow noted a donation the Civateen Club made to the City to provide activities and trips for disabled youths. She said she knew people in the group who were thrilled with the program, and she commended the Civateen Club on its generous donation.

3. Councilmember Marrinan noted Item #4 regarding the Youth Stand Against Violence program "Voices Versus Violence" taking place on September 23; he encouraged interested persons to attend the program.

4. Mayor Coyle noted that the Human Needs and Services Advisory Task Force will be visiting the Arlington County Human Services Commission on October 11.

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Re: New Business

1. Councilmember Krasnow asked for a follow-up report on changes the County proposed for Scott Drive. She stressed that the City needed to stay involved in the process in order to be able to inform Rockville residents.

2. Councilmember Krasnow noted several articles that she has read about "power towers" used for communication purposes. She asked that staff provide some background information about this in order to answer questions from residents and possibly make a decision on how the City should regulate the towers that were proposed for placement on public land.

3. Councilmember Krasnow commented on the many new efforts made by the City over the past year to encourage citizens to donate to various City causes (e.g., Senior Center and human needs groups). She asked that all of the City's causes be coordinated so that the City would not overburden its citizens with requests for donations. Mayor Coyle suggested putting an information card at the front desk that listed those programs that the City sponsored.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting adjourned at 9:06 p.m., to reconvene in General Session on October 9, 1995, at 7:30 p.m., or at the call of the Mayor.